

AMENDMENT

Serial Number: 10/760,965

Filing Date: January 20, 2004

Title: System and Method for Joint Resurface Repair

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REMARKS

The Official Action mailed March 15, 2007 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claims 55-64 are cancelled. Accordingly, claims 65-66 and 68-71 are pending.

Claim Rejection – 35 U.S.C. § 102

Claims 55-64 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gabriel et al. (U.S. Patent No. 5,702,467).

With this amendment, Applicant has cancelled claims 55-64 without prejudice. Accordingly, the rejection of claims 55-64 is now moot.

Allowable Subject Matter

Applicant appreciates the Examiner's remarks noting that claims 65-66 and 68-71 are allowable.

With this amendment, only claims 65-66 and 68-71 are pending. Accordingly, Applicant submits that all pending claims are in condition for allowance. Thus, early allowance is earnestly solicited.

Applicant is canceling claims 55-64 only to facilitate allowance of the remaining claims. Nothing in this response shall be construed as acquiescing to the Examiner's art rejection referenced herein. Applicant expressly reserves the right to advance the claims directed to the cancelled claims.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

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In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,
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